

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AUSTIN EDWARD LIGHTFEATHER,

Plaintiff,

vs.

BRENDA MAE STINSON, and AMY, nurse
aid, individual compacity;

Defendants.

8:22CV309

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. Plaintiff filed a Complaint, [Filing No. 1](#), on August 4, 2022. However, due to certain technical defects, the Complaint cannot be further processed until such defects are corrected. To assure further consideration of the Complaint, Plaintiff must correct the defect listed below. FAILURE TO CORRECT THE DEFECT MAY RESULT IN DISMISSAL OF THE COMPLAINT.

Plaintiff failed to include the \$402.00 filing and administrative fees. Plaintiff has the choice of either submitting the \$402.00 filing and administrative fees¹ to the Clerk's Office or submitting a proper request to proceed in forma pauperis ("IFP").² Failure to

¹ If Plaintiff is granted leave to proceed IFP in this matter, he will be allowed to pay the Court's \$350 filing fee in installments. See [28 U.S.C. § 1915\(b\)\(1\)](#); *In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997). He would not be subject to the \$52.00 administrative fee assessed to non-IFP plaintiffs.

² In his Complaint Plaintiff indicated he wished to proceed in forma pauperis, see [Filing No. 1 at CM/ECF p. 3](#), but did not include an affidavit as required by [28 U.S.C. § 1915\(a\)\(1\)](#).

take either action within 30 days will result in the Court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to submit the \$402.00 fees to the Clerk's Office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.
2. The Clerk of the Court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").
3. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **September 28, 2022**: Check for MIFP or payment.

Dated this 29th day of August, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", written over a horizontal line.

Joseph F. Bataillon
Senior United States District Court